

CHAPTER 2: DEFINITIONS

Unless the context requires otherwise, the following definitions shall be used in the interpretation and construction of this Ordinance. Words used in the present tense include the future; the singular includes the plural; the word “build” used in its verb form shall include the words arrange, design, construct, alter, convert; the word “shall” is mandatory and not directory; the word “may” is permissive; the word “person” includes a firm, association, organization, partnership, trust, company, or corporation as well as an individual; the word “lot” includes the words plot or parcel. Words used in this Ordinance, but not defined herein, shall have the meaning first as defined in any other ordinance adopted by the Town of Brian Head and then its common, ordinary meaning.

ACCESSORY USE. A use on the same lot with, and customarily incidental and subordinate to, the principal building or use.

AFFORDABLE HOUSING, means housing occupied or reserved for occupancy by households with a gross household income equal to or less than 80% of the median gross income for households of the same size in Iron County.

AGENT. Any person who can show written proof that he/she is acting for the property owner and with the property owner’s knowledge and permission.

ALLEY. A public or private right-of-way primarily designed to serve as secondary access to the side or rear of properties.

ALL-WEATHER SURFACE. A durable vehicular driving surface including compacted road base/gravel, concrete, asphalt, or other similar material.

ALTERATIONS, . Any change, addition, or modification in the supporting members of a building, such as bearing walls, columns, beams or girders, or electrical, plumbing or mechanical system alterations.

APPEAL AUTHORITY. The appointed person designated by Ordinance to decide an appeal of a decision of a land use application or a request for variance. The Appeal Authority shall hear and decide:

- (a) requests for variances from the terms of the land use ordinances; and
- (b) appeals from decisions applying the Land Management Code.

AREA OF INSTABILITY. An area where there is a foreseeable risk of soil or rock movement as established by a soils report.

AS-BUILT DRAWINGS. See “Drawings, As-Built.”

ATTACHED BUILDING. Units connected on at least one side to an adjacent unit by a common party wall or other connecting structure with separate exterior entrances.

ATTRACTIVE NUISANCE. Physical conditions of a property that would entice or attract entrance to the property which could result in damage to the property or injury or death to the individual.

BALCONY, Exterior. An exterior floor projecting from and supported by a structure without additional independent supports..

BANNER. See Chapter 14, Sign Regulations.

BED AND BREAKFAST. A dwelling where a combination of breakfast and overnight lodging is furnished for pay.

BEGINNING OF CONSTRUCTION. Any alteration of a site (such as grading, boring holes, pouring concrete, or removal of earth, foliage, trees, or underbrush) or alteration of off-site conditions related to construction.

BUILDABLE AREA. The portion of any site, lot, or parcel within set-backs and which does not contain designated floodplain, watershed, wetlands or avalanche areas, and conforms to all minimum criteria required for the placement of a structure in accordance with this code.

BUILDING. Any structure used or intended to be used for the shelter or enclosure of persons, animals or property.

BUILDING AREA. The area encompassed by the outside measurement of the building, also referred to as the building footprint.

BUILDING COVERAGE. The following categories shall be included in building coverage calculations:

- a) The ground level (footprint) of any building;
- b) The area covered by outdoor structures such as carports, gazebos, etc.

Building coverage includes only those areas with a roofed structure.

BUILDING ELEVATION. The entire side of a building, from ground level to the roofline, as viewed perpendicular to the walls on that side of the building.

BUILDING HEIGHT. The vertical distance, above the reference point, measured to the highest point of the structure directly above the reference point. The reference point shall be the elevation of the natural grade directly below the high point of the structure. The natural grade elevation shall be determined by topographic elevations surveyed before construction and submitted with the building permit application. In the absence of pre-construction elevations, the natural grade shall be reconstructed by connecting the contour lines (on a drawing) through the building, from a distance of five feet outside the building wall. The maximum building height in each zone shall be as an imaginary net that is suspended at the specified distance above and parallel to the natural grade. Chimneys, however, may extend five feet above this imaginary net.

BUILDING OFFICIAL. The person designated as the Building Inspector of Brian Head Town by the Town Manager.

BUILDING, PUBLIC. A building owned and/or operated by a public agency of the United States of America or of the State of Utah or any of its subdivisions, including Brian Head Town.

CARPORT. A covered structure not completely enclosed by walls or doors that is intended for parking of vehicles. For the purposes of this Title, a carport shall be subject to all regulations prescribed for a private garage.

CC&Rs. See “Covenants, Conditions & Restrictions.”

CHILD CARE CENTER. An establishment for the care and/or the instruction of five (5) or more children for compensation, other than for members of the family residing on the premises, but not including a public school.

CHURCH. A building together with its accessory buildings and uses maintained and controlled by a religious organization where persons regularly assemble for worship.

CONCEPT PLAN. An abbreviated building plan submitted to determine the basic feasibility of a design for which a building permit is needed or required.

CONDOMINIUM. A form of real property ownership in which the purchaser of each unit of an apartment building or in a complex of multiunit dwellings acquires full title to the unit and an undivided interest in the common elements (the land, roof, elevator, etc.).

CONSOLIDATED FEE SCHEDULE. The schedule of fees, established by Resolution by the Brian Head Town Council, to cover administrative costs associated with various land use applications.

COURTYARD. An outdoor yard enclosed on more than 50% of its perimeter by building walls.

COVENANTS, CONDITIONS & RESTRICTIONS (CC&Rs). A declaration of restrictive covenants for a particular plat, parcel or property recorded in the office of the Iron County Recorder. CC&Rs are sometimes required for planned unit developments or other subdivision and condominium plats.

DECK. An exterior floor supported on at least two opposing sides by an adjacent structure, and /or posts, piers or other independent supports.

DENSITY. Is the intensity or number of non-residential and residential Uses expressed in terms of Unit Equivalents per acre or lot or units per acre. Density is a function of both number and type of Dwelling Units and/or non-residential units and the land Area.

DESIGN GUIDELINES. The document adopted by the Brian Head Town Council to direct and guide the aesthetics of development in Brian Head Town.

DRAINAGE WAY. Natural depression in the earth’s surface such as swales, ravines, draws and hollows in which surface waters collect or are channeled as a result of rain or melting snow.

DRAWINGS, AS-BUILT. Construction drawings of the building, modified or edited (showing changes) that are a true representation of building dimensions, materials, and details as actually constructed.

DRIVEWAY. A private driving access from any public right-of-way or private street, to a parking space or entrance of a parking garage, the use of which is limited to no more than four residences.

DWELLING, SINGLE-FAMILY (RESIDENCE). A building arranged or designed to be occupied by one (1) family.

DWELLING, MULTI-FAMILY. A building arranged or designed to be occupied by two (2) or more families and having more than one (1) dwelling unit.

DWELLING UNIT. Any building or portion thereof designed and used for the sleeping place of one or more persons or a family, but not including a tent or recreational vehicle. Dwelling unit may include one or more rooms designed for or occupied by one (1) family for living or sleeping purposes including facilities that meet Utah State Health and Safety Requirements.

EASEMENT. That portion of a property reserved for present or future use by a person or agency other than the legal owner(s) of the property. The easement may be for use under, on, or above said property.

FAMILY. A single individual, doing their own cooking and living upon the premises as a separate housekeeping unit, or a collective body of persons doing their own cooking and living together upon the premises as a separate housekeeping unit in a domestic relationship based upon birth, marriage or other domestic bond, or no more than four unrelated persons, as distinguished from a group occupying a boarding house, lodging house, club, fraternity, or hotel.

FILL. Any rock, soil, gravel, sand, or other material.

FINAL PLAT. A subdivision map or condominium map prepared in accordance with the provisions of this Title, other applicable ordinances, and laws, which shall be placed on record in the Office of the Iron County Recorder.

FIRE PROTECTION. Water supply, water lines, fire hydrants and other devices as may be required in accordance with this Ordinance and other applicable Ordinances for the protection of structures, furnishings and inhabitants from fire.

FLOOD HAZARD. A hazard to land or improvements due to inundation or overflow of water having sufficient velocity to transport or deposit debris, scour the surface soil, dislodge or damage building, or erode the banks of water courses.

FLOOD PLAIN. Areas adjoining a water course, lake, or other body of water that have been or may be covered by flood waters.

FLOOR AREA. Area included within surrounding interior walls of a building or portion thereof, exclusive of vents, shafts, and courtyards.

FRONTAGE, LOT or PROPERTY. The length of the property line bordering any public street (also see Front Lot Line).

GARAGE, PRIVATE. An accessory building designed or used for the storage of private motor vehicles owned by the occupants of the building. A garage shall be considered part of the dwelling if the garage and dwelling have a roof or wall in common.

GARAGE, PUBLIC PARKING. A building or portion thereof available to the general public for parking motor driven vehicles.

GAS STATION. A building or portion thereof designed or used for selling gasoline or diesel fuel for cars and trucks and for servicing or repairing motor driven vehicles for pay.

GENERAL PLAN. A document prepared and adopted by the Brian Head Town Council pursuant to Utah Code Ann. § 10-9a-401 *et seq.*, containing long range growth policies and general guidelines for proposed future growth and development of the land within the Town of Brian Head.

GEOLOGICAL HAZARD. A hazard due to the movement, failure, or shifting of the earth which is dangerous or potentially dangerous to life, property, or improvements as established by a soils report.

GRADE, DRIVEWAY/ROAD/STREET. Slope measured at any point along a driveway, road or street over a distance of 20' running parallel with the direction of travel (see definition of Slope).

GRADING. Cutting through or otherwise disturbing the layers of the soil mantle so as to permanently change the existing landform.

HABITABLE SPACE. A space in a building for living, sleeping, eating, cooking, bathrooms, or toilet rooms. Closets, halls, storage or utility spaces and similar areas are not considered habitable spaces.

HOME OCCUPATION. Any income-producing activity conducted entirely within a dwelling and carried on by persons residing in the dwelling unit; which use is clearly incidental and secondary to the use of the home for dwelling purposes.

HARD SURFACE. A durable vehicular driving surface material such as concrete, asphalt pavement or brick pavers (not including road base or gravel).

HOSPITAL. Institution for the diagnosis, treatment and care of human illness or infirmity.

HOTEL. A Building containing sleeping rooms for the occupancy of guests for compensation on a nightly basis and accessory facilities such as a lobby, meeting rooms, recreation facilities, group dining facilities, and/or other facilities or activities customarily associated with hotels, such as daily maid service. These terms do not include Lockout Units nor Bed and Breakfast Inns. Hotels/Motels are considered a lodging Use. Hotels/Motels are generally an establishment containing guest rooms, some of which have a separate entrance leading directly from the outside of the Building. Payment is generally on a daily or weekly basis.

IMPROVEMENTS. Work, objects, devices, facilities, or utilities required to be constructed or installed in conjunction with a subdivision or building permit. Such improvements may include, but are not limited to, street construction to required standards, water systems, sewer systems, sidewalks, curbs and gutters, drainage facilities, street signs, street lights, traffic control or safety devices, fire hydrants, and such other facilities or construction built or constructed to adopted standards as are required by the Subdivision or other applicable sections of this Title or by the Planning Commission, Building Official, Zoning Administrator, and/or the Town Council.

KENNEL. Any premises where three (3) or more animals are kept for compensation.

LANDSCAPING. Improvements to the appearance of an area of land including trees, shrubs, flowers and grass that is harmonious with surrounding area and structure. Landscaping may include natural vegetation which is undisturbed, trails and unpaved walking areas. Landscaping

may not be counted toward the Minimum Landscape Requirements unless it is a minimum 8' in the narrowest dimension.

LAUNDROMAT. A building within which clothes washing and drying machines and dry cleaning machines, either coin operated or attendant operated, are provided on a rental basis for use by individuals.

LOT. A parcel of contiguous land having frontage upon a street which is or may be developed or utilized under one ownership or control. For the purposes of this Ordinance, a condominium is not a lot.

LOT, CORNER. A lot abutting on two (2) intersecting or intercepting streets.

LOT DEPTH. The average horizontal distance between the front and the rear lot lines measured in the main direction of the side lot lines.

LOT, INTERIOR. A lot other than a corner lot.

LOT LINES. The property lines bounding the lot.

LOT LINE, FRONT. For an interior lot, the lot line adjoining the street; for the corner lot or through lot, the lot line adjoining all streets.

LOT LINE, REAR. Ordinarily that line of a lot which is opposite and most distant from the front line of the lot. In case of a triangular or irregular- shaped lot, the Building official shall designate the rear lot line.

LOT LINE, SIDE. Any lot boundary line not a front or rear line.

LOT, WIDTH. The horizontal distance between the side lot lines, measured at the required front yard setback line or rear yard setback line, whichever is shorter. Lot width is not necessarily measured along a straight line, e.g., a curved lot line.

MODULAR BUILDING. A permanent building which consists of one or more units which has been wholly, substantially, or primarily prefabricated at an off-site or on-site location and transported to the site for final assembly and finishing on a permanent foundation provided specifically for it on the site. A modular building is other than a mobile home or a recreational vehicle.

MOTEL. A building or group of buildings containing individual sleeping or living units which is designed and used primarily for the accommodation of transient automobile travelers and having automobile parking or storage immediately adjacent.

NATURAL WATERWAYS. Those areas, varying in width along streams, creeks, springs, gullies, or washes which are natural drainage channels.

NON-CONFORMING BUILDING OR STRUCTURE. A building or structure or portion thereof, lawfully existing at the time the provisions of this Title governing the structure became effective, and because of one or more subsequent changes in this Title does not now conform to the setback, height restrictions, or other regulations of this Title, excluding those regulations which govern the use of land.

NON-CONFORMING STREET. A road or street, or portion thereof, lawfully existing at the time the Title governing streets, or subsequent changes, became effective which does not conform to the width, slope, surface or other standards required by this Title.

NON-CONFORMING USE. A use of land that legally existed before its current land use designation, has been maintained continuously since the time the provisions of this Title governing the land changed, and because of one or more subsequent changes to this Title, does not now conform to the regulations that now govern the use of the land.

OFF-STREET PARKING SPACE. The space required to park one (1) passenger vehicle, which space shall meet the requirements of this Title and other applicable ordinances.

OFF-SITE IMPROVEMENTS. Improvements to be constructed outside the property boundaries.

ON-SITE IMPROVEMENTS. Construction or placement of improvements within the property to which they pertain.

OUTDOOR DISPLAY. An outdoor arrangement of objects, items, products, or other materials, not in a fixed position and capable of rearrangement, designed and used for the purpose of advertising or identifying a service or product for sale.

OUTDOOR RETAIL SALES. An establishment or premises where business is conducted outdoors or within a temporary structure, from covered or open air areas on a temporary or seasonal basis, for the purpose of retail sales of goods or services such as landscaping or nursery products, trees for decoration or ornamentation, food and recreational products to the general public.

OWNER. The holder of the fee title to land or buildings or to property, whether a person, partnership, corporation, or other entity recognized by law, and his or its lessees, permittees, assignees, or successors in interest.

PARCEL OF LAND. Contiguous quantity of land, in possession of, or owned by, or recorded as the property of the same claimant person or entities (trusts, companies, partnerships, etc.) and controlled by the same claimant person. Land in one ownership, but physically divided by a public highway, road or street, is considered contiguous under this definition.

PARKING LOT. An area, other than a street, including ramps and driveways, used for the temporary parking of more than four (4) automobiles.

PARKING SPACE. Space within a building, lot or parking lot, for the parking or storage of one (1) motor vehicle, measuring at least nine feet by eighteen feet (9' x 18') for indoor parking spaces and ten feet by twenty feet (10' x 20') for outdoor parking spaces.

PEDESTRIAN WAY. A right-of-way designed for use by pedestrians and not intended for use by motor vehicles of any kind; a pedestrian way may be located within a street right-of-way or separated from vehicular traffic.

PERMANENT MONUMENT. Any structure of concrete, masonry, and/or metal permanently placed on or in the ground for surveying reference.

PERMITS. A document issued by the appropriate agency, authorizing a particular activity.

PLANNED UNIT DEVELOPMENT (PUD). An integrated design for development of residential, commercial, or industrial uses, or limited combinations of such uses, in which the regulations of the district in which the development is situated may be varied or waived to allow flexibility and initiative in site and building design and location, in accordance with a plan approved by the designated land use authority.

PLANNING COMMISSION. The Brian Head Planning Commission, established pursuant to authority granted by Utah Code Ann. § 10-9a-301, as amended, or predecessor section.

PORTECO. A roofed structure extending from the entrance of a building over an adjacent driveway and sheltering those getting in or out of vehicles.

PRELIMINARY PLAT. The drawings prepared to indicate the proposed layout of a subdivision for the purpose of resolving most technical details in compliance with all regulations.

PRIVATE ROAD. See STREET, PRIVATE

PROJECT. A building or buildings constructed on a lot or parcel that is “platted” and recorded on a separate plat with the Iron County Recorder’s Office and representing to the public a single identity for commercial and/or residential purposes.

PROTECTION STRIP. A strip of land between the boundary of a subdivision and a street within the subdivision, for the purpose of controlling the access to the street by the property abutting the subdivision.

PUBLIC UTILITIES. Public utilities include every common carrier, pipeline corporation, gas corporation, electric corporation, telecommunication corporation, water corporation, etc., where the service is performed for the commodity delivered to the public or any portion thereof.

RAMP PARKING. An element providing access to or from a parking lot or garage.

RECORDER’S OFFICE. The office of the Iron County Recorder, Utah.

RESIDENCE. See “Dwelling.”

RESIDENT. Any person who resides in Brian Head, considering it as his or her primary residence. Evidence of primary residence may be a voter registration card, drivers license, or state-issued identification card with a Brian Head address.

RETAINING WALL. A wall designed to resist the lateral displacement of soil or other materials with a slope greater than two units horizontal for each unit vertical (50%, or 26.6 degrees).

ROOF LINE. The top edge of a peaked roof or, in the case of an extended façade or parapet, the uppermost point of said façade or parapet.

SCHEMATIC SUBDIVISION PLAT. An abbreviated subdivision plat submitted to determine the basic feasibility of a subdivision (See requirements in Chapter 4, Table 3).

SCHOOL, PRIVATE. A school which is operated by a quasi-public or private group, individual, or organization.

SCHOOL, PUBLIC. A school operated by a school district or other public agency in the State of Utah.

SETBACK. Minimum distance between the property line and any buildings on the property.

SIGN. See Chapter 14, Sign Regulations.

SLOPE. An expression of the steepness of rise or fall in elevation measured along a line perpendicular to the contours of the land. A vertical rise of ten feet (10') between two (2) points one hundred feet (100') apart, measured on a horizontal plane, is a ten percent (10%) slope (5.7 degrees).

SPA. A commercial establishment providing services including massage, body or facial treatments, makeup consultation and application, manicures, pedicures and similar services, but excluding beauty and barber shops.

STABLE, PRIVATE. A detached accessory building for the keeping of equine owned by the occupants of the premises and not kept for hire, compensation, or sale.

STABLE, PUBLIC. Any stable where equine are boarded and /or kept for hire.

STORY. The space within a building included between the surface of any floor and the surface of the next floor or the roof of the building.

STREET SYSTEMS:

- a. **STREET, PUBLIC.** A thoroughfare which has been dedicated to the Town of Brian Head and accepted by the Brian Head Town Council, which the municipality has acquired by prescriptive right or which the municipality owns, or offered for dedication on an approved final plat, or made public by right of use and which affords access to abutting property, including highways, roads, lanes, avenues, and boulevards.
- b. **STREET, COLLECTOR.** A street, existing or proposed, which is the main means of access to the major street system.
- c. **STREET, CUL-DE-SAC.** A minor terminal street provided with a turnaround.
- d. **STREET, MAJOR.** A street, existing or proposed, which serves or is intended to serve as a major traffic way and is designated on the master street plan as a controlled-access highway, major street, parkway or other equivalent term to identify those streets comprising the basic structure of the street plan.
- e. **STREET, MINOR.** A street, existing or proposed, which is supplementary to a collector street and which serves or is intended to serve the local needs of a neighborhood.
- f. **STREET, PRIVATE.** A thoroughfare within a subdivision, condominium project or PUD which has been reserved by dedication unto the subdivider or lot owners to be used as private access to serve the lots or condominiums platted within the subdivision and complying with the adopted street cross section standards of this municipality and maintained by the subdivider or other private agency.

STRUCTURE. Anything constructed, the use of which requires fixed location on the ground, or attachments to something having a fixed location upon the ground; includes “building.”

SUBDIVIDER. Any person who causes land to be divided into a subdivision for himself or others.

SUBDIVISION. The result of the division of any tract, lot, or parcel, or land into two (2) or more lots, plots, sites, or other divisions of land for the purpose, whether immediate or future, of sale, lease or of building development, including:

- a. The dedication of a road, highway, or street through a tract of land regardless of area, which may create a division of lots or parcels constituting a “subdivision.”
- b. Division or re-subdivision of land into lots, sites or parcels.
- c. Division of land under PUD provisions where street and/or access to lots are owned and maintained by a private lot owners association.

TOWN COUNCIL. The legislative body of the Town of Brian Head.

TOWNHOUSE OR TOWNHOME. One of a group of several dwellings with common architectural treatment, having one or more common walls where the owner owns the land under, in front, in back, and perhaps on one side of the residential building.

TOWN STAFF. The administrative employees of the Town of Brian Head.

UNDISTURBED LOT AREA, Land that is left in its native state and is not interrupted for clearing, grading, filling, used for storage of soil or construction materials or otherwise affected for land use development. This includes using the land for parking of vehicles, or traversing the area with vehicles or equipment. It specifically does not include removal of dead trees, thinning undergrowth, or similar conservation practices or the creation and maintenance of unpaved trails as part of the town trail system.

WATER COURSE. A running stream of water; a natural stream, including rivers, creeks, irrigation ditches etc. It may sometimes be dry but must flow in a defined channel.

YARD, FRONT. The space between the front line of the building (including exceptions described in Chapter 7) and the front lot line and extending across the full width of the lot or parcel.

YARD, REAR. The space between the back line of the building (including exceptions described in Chapter 7) and the rear line of the lot and extending the full width of the lot or parcel.

YARD, SIDE. The space between the side line of the building (including exceptions described in Chapter 7) and the side line of the lot or parcel and extending from the front to the rear yard line.

ZONING ADMINISTRATOR. The person designated for the administration of zoning in Brian Head Town by the Town Manager.

ZONE DISTRICT. A portion of the territory of the local jurisdiction established as a zoning district by this Ordinance within which certain uniform regulations and requirements or various combinations thereof apply under the provisions of this Ordinance; also includes “zone” and “zoning district.”

